REMARKS

The 17 February 2004 official action addressed claims 1-34. Claims 3, 13, 21, 27, 33 and 34 are amended. Claims 1-34 are pending.

Previous information disclosure

Applicants' previous reply included an information disclosure. The official action did not return an initialed copy of the SB-08 listing the references provided in the disclosure. An initialed copy of the SB-08 is requested.

Overview of amendments

Claims 3, 13, 21, 27, 33 and 34 are amended to clarify that scores are assigned to subject matter categories.

No new matter is added.

Response to objections and rejections

All claims were rejected under 35 USC §102(e) as being anticipated by Hullinger (U.S. 6,295,092).

The official action interprets the claims differently than they would be interpreted by one of ordinary skill in the art, and in a manner that contradicts the uses of the claim terms in the application. Applicants base their position on the following guidelines which are quoted in the MPEP:

> Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation'. MPEP 2111.01 (emphasis in original)

> The broadest reasonable interpretation of the claims must be consistent with the interpretation that those skilled in the art would reach. MPEP 2111

> Reading a claim in light of the specification, to thereby interpret limitations explicitly recited in the claim, is a quite different thing from 'reading limitations of the specification into a claim,' to thereby narrow the scope of the claim by implicitly adding disclosed limitations which have no express basis in the claim. MPEP 2111

The claims are distinguished from Hullinger when interpreted consistently with the application. Most notably, the present claims involve interaction with, and use of *production data* produced by, a *production system used in the production of the programming event*. In contrast, Hullinger involves interaction with a ratings system that stores ratings data for a video program, and with capture devices that record programs as they are broadcast. The person of ordinary skill in this field is familiar with production systems, rating systems and capture devices, and would not consider a rating system or capture device to be a production system. Further, a person of ordinary skill who has read the present application would not believe that the claims refer to a ratings system or capture device when using the term "production system." This distinction applies to all claims.

Independent Claims 1 and 11

These claims describe a method or programmable device that obtains production data from a production system and processes the production data to generate and store metadata that describes a programming event.

"production system" and "production data"

The claims specify that production data is obtained from a production system used in the production of a programming event. Paragraphs 54-58 of the application (published version) describe characteristics of the production systems and production data referred to in the claims. The application names the ENPS system as an example of a system used in video production facilities such as television studios to produce video programming events, and further information concerning the ENPS system was submitted in an IDS filed with the previous reply. Figures 3 and 4 show examples of production data produced by the ENPS system.

One of ordinary skill, having read the application, would understand the claim term "production system" to refer to a system such as the ENPS system

which is used in the *production* of a video program, and would understand the term "production data" to refer to data generated by this type of system.

Hullinger does not involve video production systems. Hullinger describes a system for determining the features of news programs that yield the highest ratings, using recordings of news programs and the Nielsen ratings for those programs.

The official action states:

> "Hullinger discloses obtaining production data corresponding to the programming event from a production system used in the production of the programming event (see Column 3, lines 47-50 for receiving data from a ratings server as well as broadcast data from the capture devices in Figure 1)"

Hullinger's ratings server and the capture devices are not "production systems" even under the broadest reasonable interpretation of that term.

Hullinger's ratings server provides ratings data – i.e. data indicating how many people watched a news program (see IDS submitted herewith containing information describing the Nielsen ratings system). The person of ordinary skill would not consider the generation of ratings data about a video program to be the same as production of the video program itself. The person of ordinary skill would also not consider the application's discussion of production systems to refer to the Nielsen ratings system or other ratings systems.

Hullinger's broadcast data from the capture devices is generated by recording broadcasts of news programs. One of ordinary skill would not consider the recording of a news program by a viewer to be the same as the production of the news program by the news producer. The person of ordinary skill would also not consider the application's discussion of obtaining production data from a production system to refer to recording a program when it is being broadcast.

Even the broadest reasonable interpretations of "production system" and "production data" do not extend to ratings data servers or recordings of program broadcasts. Hullinger does not teach obtaining production data from a production system used to produce a video programming event, and therefore fails to teach each and every limitation of the claims.

"assigning ... goodness of fit scores"

Claims 1 and 11 also specify assigning respective scores to each of multiple categories so as to describe the subject matter of the programming event through its set of category scores. These scores are assigned based on analysis of the production data obtained from the production system.

Hullinger does not obtain production data from a production system and therefore cannot perform the task specified in the claim.

The claim also specifies that goodness of fit scores assigned to categories represent a degree to which the category is descriptive of the subject matter of the programming event. The official action cites Table 1 and col. 6, lines 23-67 for this feature, focusing on the Topic 1 – Topic N columns of Table 1. The cited passage actually describes counts of how many times a particular phrase is used with respect to a particular topic. The score is not specific to a programming event, rather it is specific to a phrase, and the score does not indicate how well a subject matter category describes the programming event, but instead indicates the total number of occurrences of the phrase over multiple programming events. Therefore the claimed task cannot be reasonably interpreted to refer to what is disclosed in Hullinger.

"assigning ... keywords"

Claims 1 and 11 also specify assigning keywords to the programming event based on analysis of the production data obtained from the production system.

Hullinger does not obtain production data from a production system and therefore cannot perform the task specified in the claim.

Claims 3 and 13

These claims specify that numerical goodness of fit scores are assigned to subject matter categories that are arranged in a hierarchy of at least three-levels. The official action cites Hullinger's Figure 6 for this feature. Figure 6 and the corresponding text (col. 6, line 25 – col. 7, line 51) actually describe a tree of

tables that store the number of occurrences of individual phrases. The highest level holds a table containing all occurrences for all phrases over all stations and all time periods. The second level holds separate tables storing the number of occurrences for all phrases for each station. The third level holds separate tables storing the number of occurrences for each station in each news program time slot.

Claims 3 and 13 specify that the subject matter of an individual programming event is described by assigning scores to subject matter categories that have a hierarchical arrangement. Hullinger uses a tree of tables to store information about the number of times that a phrase was used in multiple programming events. Even the broadest reasonable interpretation of claims 3 and 13 does not encompass the cited features of Hullinger.

Claims 5 and 15

These claims specify that the production data obtained from the production system comprises "rundown" data. "Rundown" is a term of art in the video production field that describes information used during video production such as the information shown in Figure 4 of the application.

The official action cites the third level tables of Figure 6 as teaching rundown data and states that they are produced by a production system. However, Hullinger does not teach a production system, and the tables of Figure 6 are not produced by a production system. The tables of Figure 6 are produced through analysis of programs recorded by a capture device, and indicate how many times various phrases are used in news programs airing at 6 pm or 11 pm. One having ordinary skill would not consider the information in Hullinger's tables to be describable by the term of art "rundown" data.

Claims 7 and 17

Claims 7 and 17 specify that the individual segments of a program are identified by analyzing the production data obtained from the production system, and that metadata is produced for each individual segment.

Hullinger does not obtain production data from a production system and therefore cannot perform the task specified in these claims.

Claims 2-10 and 12-14

These claims depend from claims 1 and 10, which are distinguished from Hullinger. Claims 2, 4-10, 12 and 14-20 are distinguished on the same basis, as well as for the additional novel features recited in those claims, some of which have been highlighted above.

Independent Claims 21 and 27

These claims describe a method or programmable device that obtains production data from a production system and processes the production data to generate keywords that describe the programming event.

"production system" and "production data"

The claims specify that production data is obtained from a production system used in the production of a programming event. These terms are the same as in claims 1 and 11, and as explained above with respect to claims 1 and 11, even the broadest reasonable interpretations of "production system" and "production data" do not extend to the ratings data servers or recordings of program broadcasts that provide the data used by Hullinger. Hullinger does not teach obtaining production data from a production system used to produce a video programming event, and therefore fails to teach each and every limitation of the claims.

"determining candidate keywords"

Claims 21 and 27 also specify determining candidate keywords from the production data obtained from the production system.

Hullinger does not obtain production data from a production system and therefore cannot perform the task specified in the claim.

"providing the candidate keywords ... to a classification tool ..."

Claims 21 and 27 further require providing the candidate keywords as input to a classification tool and, for each keyword, generating a set of numerical goodness of fit scores each corresponding to predefined category. The official action cites Table 1 and col. 6, lines 25-67 for this feature. The cited passage actually describes scores that count how many times a particular phrase is used with respect to a particular topic. The score is not specific to a programming event, rather it is specific to a phrase, and the score does not indicate how well a subject matter category describes the programming event, but instead indicates the total number of occurrences of the phrase over multiple programming events. Therefore the claimed task cannot be reasonably interpreted to refer to what is disclosed in Hullinger.

"selecting keywords..."

Claims 21 and 27 further require selecting keywords to represent the programming event from among the candidate keywords based on their sets of goodness of fit scores. As discussed above, Hullinger does not generate goodness of fit scores corresponding to subject matter categories that indicate a degree to which the category is descriptive of the candidate keyword. Therefore the claimed task cannot be reasonably interpreted to refer to what is disclosed in Hullinger.

Claims 25 and 31

Claims 25 and 31 specify that the production data obtained from the production system comprises script data or rundown data.

Hullinger does not obtain production data from a production system and therefore cannot perform the task specified in these claims.

Claims 26 and 32

Claims 26 and 32 specify that the individual segments of a program are identified by analyzing the production data obtained from the production system, and that candidate keywords are produced for each individual segment.

Hullinger does not obtain production data from a production system and therefore cannot perform the task specified in these claims.

Claims 33 and 34

These claims specify that numerical goodness of fit scores are assigned to subject matter categories that are arranged in a hierarchy of at least three-levels. The official action cites Hullinger's Figure 6 for this feature. Figure 6 and the corresponding text (col. 6, line 25 – col. 7, line 51) actually describe a tree of tables that store the number of occurrences of individual phrases. The highest level holds a table containing all occurrences for all phrases over all stations and all time periods. The second level holds separate tables storing the number of occurrences for all phrases for each station. The third level holds separate tables storing the number of occurrences for each station in each news program time slot.

Claims 33 and 34 specify that the subject matter of an individual programming event is described by assigning scores to subject matter categories that have a hierarchical arrangement. Hullinger uses a tree of tables to store information about the number of times that a phrase was used in different news broadcasts. Even the broadest reasonable interpretation of claims 33 and 34 does not encompass the cited features of Hullinger.

Claims 22-26 and 28-34

These claims depend from claims 21 and 27, which are distinguished from Hullinger. Claims 22-26 and 28-34 are distinguished on the same basis, as well as for the additional novel features recited in those claims, some of which have been highlighted above.

The foregoing amendments and remarks address all bases for objection and rejection and are believed to place the case in condition for allowance. The examiner is invited to contact the undersigned to resolve any remaining issues.

Respectfully submitted,

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